

Acting Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, January 19, 2006 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

TAPE No. 11: Side B, #004 to EOT
TAPE No. 12: Side A, #001 to EOT
TAPE No. 12: Side B, #001 to #278

PRESENT: Supervisors Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair)

SCHEDULED ITEMS:

1. 06-J-2 From the Chief Judge and the Sheriff, an informational report relative to the 2006 Bailiff Staffing Plan. **(INFORMATIONAL, UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)** (Tape #11B-#21)

APPEARANCES:

Inspector Kevin Carr, Sheriff's Department
Bruce Harvey, District Court Administrator for Chief Judge Kitty Brennan

Mr. Harvey provided a verbal report as to how the bailiff staffing plan is working for 2006. He stated that the primary changes of the staffing plan involve the misdemeanor courts and children's court. Most of the criminal courts in the past had two bailiffs assigned to each court. In the misdemeanor courts and children's court the staffing plan changed to one bailiff always staying inside the court and certain bailiffs allocated to transport people in and out of the courts. Thus far, there have been minimal negative reports relative to efficiency and security. At this point, the plan seems to be working well.

Inspector Carr stated that he would like to thank people for their cooperation and assistance in implementing this plan and the Sheriff's Department is very hopeful that the plan will be successful throughout 2006.

Questions and comments ensued.

Supervisor DeBruin requested that Mr. Harvey and/or Inspector Carr advise this committee if complaints begin to occur.

SCHEDULED ITEMS (CONTINUED):

2. 06-69 Resolution by Supervisors Weishan and Quindel, authorizing and directing the Corporation Counsel to appeal the decision of the U.S. Court of Appeals for the Seventh Circuit regarding the legality of Chapter 31 of the Milwaukee County General Ordinances regarding the responsibility of certain county contractors to reduce the likelihood of labor disputes. (Tape #11B-#157)

APPEARANCES:

Supervisor John F. Weishan, Jr. (16th District)
Bob Andrews, Deputy Corporation Counsel

Supervisor DeBruin requested that this item be temporarily laid over until the Committee takes up item 14 which will be discussed in closed session. There being no objection, it was so ordered.

After returning from closed session, the Committee took the following action on this item.

MOTION BY: (RICE) Reject the resolution.

Supervisor Broderick requested to be added as a co-sponsor of this resolution. There being no objection, it was so ordered. Chairman Johnson stated that he would also like to be added as a co-sponsor.

Mr. Andrews advised that the Committee not take an action on this item today, but instead lay it over until a special meeting before County Board day.

MOTION BY: (DE BRUIN) Layover to a special Judiciary Committee meeting before County Board Day.

Supervisor Weishan indicated that he believes this is a worthwhile cause to move forward as opposed to laying it over.

Vote on the motion to layover: 6-1

AYES: Rice, DeBruin, Schmitt, Cesarz, Devine and Johnson (Chair) - 6

NOES: Broderick - 1

3. 04-414 Resolution by Supervisors Weishan and Broderick, authorizing and directing the
(a)(b) Superintendent, House of Correction, to execute a lease agreement with the Hunger Task Force of Greater Milwaukee for the continued operation of the House of Correction and Fish Hatchery. (Tape #11B-#169)

SCHEDULED ITEMS (CONTINUED):

APPEARANCES:

Supervisor John F. Weishan, Jr. (16th District)
Supervisor Mark Borkowski (11th District)
Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator, House of Correction
John Schapekahm, Principal Assistant Corporation Counsel
Rick Ceschin, County Board Research Analyst
Jon Janowski, Hunger Task Force
Sherrie Tussler, Hunger Task Force
Tom Jordan, Hunger Task Force
Frank Evans, Hunger Task Force
Eric Skindzelewski, Lakeshore Fisherman
Penni Secore, AFSCME DC #48
Sister Donna Gazzana, Open Door Café/ St. John
Patty Yunk, AFSCME DC #48

Supervisor Weishan provided comments relative to the subject resolution and requested the Committee's support. He also stated that Supervisors West, Dimitrijevic and Quindel requested to be added as co-sponsors.

Questions and comments ensued.

Superintendent Malone explained the differences between the lease attached to the subject resolution and the lease he provided, attached to his document regarding a projected revenue deficit for the operation of the Farm and Fish Hatchery. (See Item 4 on this agenda.) He indicated that there are three main differences between the two leases: (1) the revenue for the cost of the salaries, (2) the acreage (50 acres vs. 150 acres) and (3) the length of the contract (5 years vs. 10 years).

Questions and comments continued.

MOTION BY: (CESARZ) Refer to Corporation Counsel for a legal opinion about the significant changes to the existing agreement for maintaining the 50 acres vs. the 150 acres, point out what those changes and differences are, including cost differences.

Supervisor Borkowski provided comments relative to developing the land in Franklin, Wisconsin.

Discussion ensued relative to the referral to Corporation Counsel.

SCHEDULED ITEMS (CONTINUED):

Mr. Schapekahm pointed out the areas in the lease attached to the subject resolution that he found to be troublesome. He indicated that he recommended some language in these areas that was not included in the lease. The areas that he mentioned are under Section 7- Construction; Section 8 – Maintenance and Repair; Section 17 – Inspection; Section 18 – Surrender at Termination; Removal of Property, Section 22 – Hazardous Materials (c); Section 23 – Termination; and Section 26, Non-Discrimination and Equal Employment Opportunity.

Mr. Ceschin provided comments relative to Mr. Schapekahm's testimony and indicated that the language that Corporation Counsel recommended was incorporated in the lease.

Vote on the motion to refer to Corporation Counsel: 2-5

AYES: Rice and Cesarz – 2

NOES: DeBruin, Schmitt, Broderick, Devine and Johnson (Chair) – 5

MOTION FAILED.

MOTION BY: (DEBRUIN) Refer to Corporation Counsel for final review and recommendations to make changes, with the intent of a special meeting by this Committee before County Board Day in order to take up this item with the recommendations by Corporation Counsel.

Discussion ensued.

Mr. Janowski and Ms. Tussler provided comments and answered questions raised by Committee members.

Mr. Jordan, Mr. Evans, Mr. Skindzelewski, Ms. Secore and Sister Gazzana provided comments in support of the continued operation of the Farm and Fish Hatchery.

Ms. Yunk expressed her frustration with the dialogue she's heard throughout the years regarding the Farm and Fish Hatchery. She stated that AFSCME, which is the collective bargaining agent for the individuals who would be affected at the House of Correction, did not know about this issue until they saw it on the agenda. She indicated that they (AFSCME) are in support of this resolution.

Supervisor Devine requested an aerial of the acreage be forwarded to Committee members by the Special Judiciary meeting. Mr. Ceschin advised that there were a number of different maps used in compilation to get a picture of the whole and that there is not one single aerial. The maps will be provided to Committee members before the Special meeting.

SCHEDULED ITEMS (CONTINUED):

Vote on the motion by Supervisor DeBruin: 7-0

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

4. 05-12 From the House of Correction, regarding projected revenue deficit for the operation of the Farm and Fish Hatchery. **(INFORMATIONAL, UNLESS OTHERWISE DIRECTED BY THE COMMITTEE) (Also to Finance and Audit Committee)** (Tape #12A-#640)

APPEARANCES:

Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator

Superintendent Malone reviewed the subject report. Mr. Priebe provided comments.

Questions ensued.

The Committee took no action on this informational report.

5. 06-64 From the Sheriff, requesting approval of the 2006 Edward Byrne Memorial Assistance Grant (JAG) Preliminary Report. (Tape #12A-#682)

APPEARANCES:

Inspector Kevin Carr, Sheriff's Department
Jon Priebe, Public Safety Fiscal Administrator

Inspector Carr reviewed the subject report.

MOTION BY: (RICE) Approve. (Vote 7-0)

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

SCHEDULED ITEMS (CONTINUED):

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

6. 06-43 From Superintendent, House of Correction, requesting to declare land at 8820 S. 68th Street, Franklin, Wisconsin surplus. **(Also to Economic and Community Development Committee)** (Tape #12A-#710)

APPEARANCES:

Superintendent Ron Malone, House of Correction

Todd Ashworth, Assistant Superintendent, House of Correction

Questions and comments ensued.

MOTION BY: (SCHMITT) Approve. (Vote 7-0)

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

7. 06-75 From Principal Assistant Corporation Counsel, recommending adoption of resolution/ordinance amending Section 47.05 and creating Sections 63.045, 63.046, 63.047, Chapter 65 and Chapter 72 of the Milwaukee County General Ordinances to regulate and prohibit certain conduct, specifically possession or use of fireworks on County property, issue of worthless checks, damage to the property of another, graffiti, and boating, and to control truancy; and amending Section 63.09 of the Milwaukee County General Ordinances, the schedule of cash deposits and maximum penalties, accordingly. (Tape #12B-#004)

APPEARANCES:

Brian Conte, Milwaukee Deputy Sheriff's Association

Joe Kuntner, Milwaukee Deputy Sheriff's Association

Supervisor Mark Borkowski (11th District)

Bill Domina, Corporation Counsel

Inspector Kevin Carr, Sheriff's Department

Supervisor Borkowski provided comments and introduced Mr. Conte and Mr. Kuntner. He acknowledged the work of John Jorgensen, Principal Assistant Corporation Counsel.

SCHEDULED ITEMS (CONTINUED):

Questions and comments ensued.

MOTION BY: (BRODERICK) Approve.

Inspector Carr provided comments and indicated that the Sheriff's Department's position on this issue is neutral.

Vote on the motion to approve: 7-0

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

8. 06-68 From Director, Child Support Enforcement, requesting authorization to execute W2 contracts with Maximus and United Migrant Opportunity Services (UMOS) Inc. for 2006.

This item was withdrawn per Chairman Johnson.

9. 06-76 From Director, Child Support Enforcement, requesting authorization to execute W2 contracts with Maximus, United Migrant Opportunity Services (UMOS) Inc. and YW Works for 2006.

This item was withdrawn per Chairman Johnson.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION *(Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.)*:

10. 05-509 From Charles Folts, submitting a claim for damages caused to his parked vehicle by a Milwaukee County truck on October 18, 2005. **(Corporation Counsel recommends payment in the amount of \$1,566.51)** (Tape #12B-156)

SCHEDULED ITEMS (CONTINUED):

APPEARANCE:

Bob Andrews, Deputy Corporation Counsel

MOTION BY: (SCHMITT) Approve items 10-13 together. (Vote 7-0)

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

11. 05-510 From Dan and Kim Hansen, submitting a claim for damages to their vehicle when a parking gate arm hit their car in the 6th and State parking lot on October 21, 2005. **(Corporation Counsel recommends payment in the amount of \$950.00)**

SEE ACTION UNDER ITEM 10.

12. 06-38 From Wilbur & Associates, P.C. submitting a claim in behalf of Christina M. Fugate for damages allegedly sustained to her vehicle that was involved in an accident with a County Highway vehicle on August 5, 2005. **(Corporation Counsel recommends payment in the amount of \$686.14)**

SEE ACTION UNDER ITEM 10.

13. 06-18 From Mark M. Kubicek, submitting a claim for damages to his face (laceration on his cheek bone, leaving a scar) when a parking gate arm hit him on his face and broke his protective sunglasses. **(Corporation Counsel recommends payment in the amount of \$568.00)**

SEE ACTION UNDER ITEM 10.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

14. 06-J-1 From Corporation Counsel, status report on the appeal of the challenge to the Labor Peace Ordinance (7th Circuit).

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (RICE) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to items 14-17. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary: (Vote 7-0)

AYES: Rice, *DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

*Supervisor DeBruin was excused at the time of the roll call; however, upon her return she requested to be recorded as voting with the majority on this item. There being no objection, it was so ordered.

The Committee adjourned into closed session at approximately 11:20 a.m. and reconvened in open session at approximately 1:00 p.m. with the same committee members present as before. Supervisor Schmitt was not present at the time of the roll call, but appeared shortly thereafter.

The Committee took no action on this item.

15. 05-J-18 Status report from Corporation Counsel regarding the Supreme Court decision in the Schulpus case (sexual predator law).

SEE ACTION UNDER ITEM 14.

16. 04-J-5 Status report from Corporation Counsel regarding the arbitrator's decision in Wisconsin Soccer Association vs. Milwaukee County.

SEE ACTION UNDER ITEM 14.

17. 04-J-7 From Corporation Counsel, providing an update regarding the Christensen lawsuit concerning jail overcrowding.

SEE ACTION UNDER ITEM 14.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
John Schapekahm, Principal Assistant Corporation Counsel
Inspector Kevin Carr, Sheriff's Office
Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator
Todd Ashworth, Assistant Superintendent, House of Correction

SCHEDULED ITEMS (CONTINUED):

This meeting was recorded on tape, which is available for audit upon prior request of the Committee Clerk. The foregoing matters were not necessarily considered in agenda order. Committee "green files" contain copies of resolutions, amendments, ordinances, reports and correspondence, etc., which may be reviewed upon request of the Committee Clerk. The official copy of these minutes is available in the County Board office.

Adjourned: 1:10 p.m.

Linda Durham

Linda Durham, Committee Clerk